

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois	}	
	}	
Petition for a Certificate of Public Convenience	}	
and Necessity, pursuant to Section 8-406.1 of	}	
the Illinois Public Utilities Act, and an Order	}	
pursuant to Section 8-503 of the Public Utilities	}	Case No.: 12-0598
Act, to Construct, Operate and Maintain a New	}	
High Voltage Electric Service Line and Related	}	
Facilities in the Counties of Adams, Brown, Cass,	}	
Champaign, Christian, Clark, Coles, Edgar,	}	
Fulton, Macon, Montgomery, Morgan, Moultrie,	}	
Pike, Sangamon, Schuyler, Scott, and Shelby,	}	
Illinois.	}	

**REPLY BRIEF OF THE KORSMEYER FAMILY FARM TRUST**

NOW COMES the Korsmeyer Family Farm Trust (hereinafter referred to as "Korsmeyer"),  
by and through its attorneys, Edward D. McNamara, Jr. and Joseph H. O'Brien of McNamara &  
Evans, and for its Reply Brief, states as follows:

**REITERATION OF KORSMEYER POSITION**

Korsmeyer filed its Initial Brief herein on June 3, 2013, in which it summarized its case in favor of the TNC Alternate Route 1 for selection from the routing options now presented to the Commission for consideration for the segment of the Project from Meredosia to Ipava. After a review of the Initial Briefs filed by Commission Staff, ATXI, and The Nature Conservancy ("TNC"), Korsmeyer wishes to reiterate its position, stated in its Initial Brief as follows: "Korsmeyer would submit, based on the foregoing and the sum total of the evidence presented herein to date, that the clear best choice of the routing options presented to the Commission for consideration for the segment of the Project from Meredosia to Ipava is the TNC Alternate Route 1. TNC Alternate Route 1 presents the shortest of the routing options, would cost \$5.7 million less to construct than the ATXI

Rebuttal Recommended Route (ATXI Exhibit 16.3), and is the only routing option that does not impede in any way upon any of the properties which are of interest to the intervening parties herein along this segment of the Project.”

#### REPLY TO INITIAL BRIEF OF THE STAFF OF THE ILLINOIS COMMERCE COMMISSION

The Staff of the Illinois Commerce Commission filed its Initial Brief herein on June 3, 2013 (hereinafter referred to as “Staff Brief”). The recommendation contained in the Staff Brief directly coincides with that of Korsmeyer. The Commission Staff position, as it relates to the segment of the route from Meredosia to Ipava, is summarized as follows, to wit: “[I]t appears that TNC’s Alternate 1 would be the best route choice for this segment. TNC’s route recommendation does not cross either of the natural areas that TNC identified. In addition, it appears that TNC’s Alternate 1 would be considerably shorter than either route that ATXI proposes. Since there appear to be no compelling circumstances that would prevent ATXI from constructing TNC’s Alternate 1, that route appears to be the best choice form the Meredosia to Ipava segment.” (Staff Brief, p. 17)

Commission Staff participates in cases such as this to provide objective, unbiased, and expert guidance to the Administrative Law Judges as they navigate the technicalities and vagaries involved in a case as massive as this. After careful analysis by Commission experts, a recommendation was submitted which directly parallels that of Korsmeyer. The only truly objective voice among the parties to this matter, one with no vested interest nor conflict of interest, rendered in its expert opinion, a recommendation which completely substantiates the position advocated by Korsmeyer.

#### REPLY TO INITIAL BRIEF OF ATXI

ATXI filed its Initial Brief herein on June 3, 2013 (hereinafter referred to as “ATXI Brief”).

ATXI advocates selection of a hybrid route (“Rebuttal Recommended Route”) for the segment from Meredosia to Ipava which makes use of ATXI’s originally proposed Alternate Route and a route stipulated to by ATXI and TNC.

A substantial portion of the basis provided by ATXI for its support of the Rebuttal Recommended Route is the fact that the Rebuttal Recommended Route does not interfere with either of the environmentally sensitive areas identified in this matter by TNC and the fact that the Rebuttal Recommended Route contains a segment which was stipulated to by TNC. While it is true that TNC did execute a stipulation with ATXI for endorsement of a segment of the Rebuttal Recommended Route, the TNC Alternate Route 1 advocated by Commission Staff and Korsmeyer was initially presented herein as a routing option by TNC itself. Clearly, TNC Alternate Route 1 resolves any concerns TNC might have, concerns which rested solely with ATXI’s proposed Primary Route and proposed Alternate Route. One can presume that ATXI presented TNC with an alternate routing option which equally satisfied TNC’s concerns and TNC was willing to stipulate to the same. Who can blame TNC for agreeing to such a stipulation? Ultimately, the interests of intervening parties herein are inherently selfish. Any option which seems to guarantee a resolution which does not impinge upon the land which is the interest of the respective intervenor can seem appealing or, at the least, agreeable. Such stipulation or acceptance is in no way an indication that such routing option is the best choice for the greater number. For this very reason, Korsmeyer would restate the facts that the TNC Alternate Route 1 was introduced by TNC itself and is the routing option endorsed by Commission Staff, in its expert and nonpartisan opinion.

ATXI also bases its support for the Rebuttal Recommended Route on a presentation of what “approximately” the number of affected landowners would be for the different routing options and the fact that the TNC Alternate Route 1 would necessitate the displacement of one residence. (ATXI

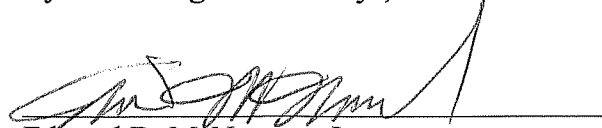
Brief, p. 43) ATXI calls into question Commission Staff Witness Greg Rockrohr's non-endorsement of the Rebuttal Recommended Route because of his reliance on aerial maps for his analysis of the routing options. In fact, ATXI's own routing expert, Donell Murphy, admitted that ATXI utilized much the same methods of assessment and only physically viewed the potential routing options when "we had a direct line of sight or access to the various route alternatives from the nearby or adjacent public rights-of-way." (Tr., 745:1-3) How much credence can we give ATXI's estimated numbers for affected landowners and contention that one residence will be displaced by TNC Alternate Route 1 when, by ATXI's own admission, the numbers provided by ATXI are merely approximations and no determination has been made as to the habitation or viability of any single residence along the various routing options? (Tr., 753:12-22) Korsmeyer believes it once more bears repeating that the TNC Alternate Route 1 is the routing option endorsed by Commission Staff, the lone objective, nonpartisan, and expert party to this proceeding.

### CONCLUSION

Korsmeyer would submit, based on the foregoing and the sum total of the evidence presented herein to date, that the clear best choice of routing options presented to the Commission for consideration for the segment of the Project from Meredosia to Ipava is the TNC Alternate Route 1. TNC Alternate Route 1 presents the shortest of the routing options, would cost \$5.7 million less to construct than the ATXI Rebuttal Recommended Route, and is the only routing option that does not impeded in any way upon any of the properties which are of interest to the intervening parties herein. Korsmeyer prays that if approval is granted for the Project, the Commission enter an Order

herein selecting the TNC Alternate Route 1 for the segment of the route from Meredosia to Ipava.

**Respectfully Submitted,**  
**Colfax-Scott Land Preservation Group,**  
By and through its attorneys,


  
Edward D. McNamara, Jr.  
Joseph H. O'Brien


**VERIFICATION**

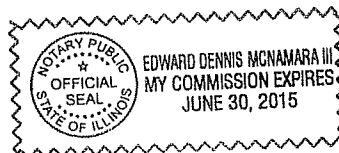
STATE OF ILLINOIS        }  
                                      }SS  
COUNTY OF SANGAMON }

Edward D. McNamara, Jr., being first duly sworn, deposes and says that he is authorized to execute this Reply Brief; that he has read the above and foregoing document, has knowledge of the facts stated therein; and herewith states that the matters set forth therein are true in substance and in fact.

Subscribed and Sworn to before me  
this 10th day of June, 2013.

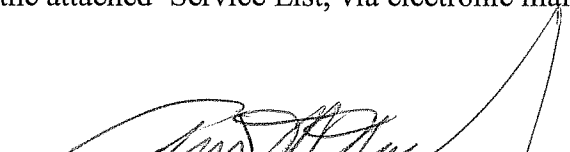
  
Edward D. McNamara, Jr.

  
Notary Public



**CERTIFICATE OF SERVICE**

Edward D. McNamara, Jr., an attorney, hereby certifies that he served copies of the foregoing Reply Brief on the individuals shown on the attached Service List, via electronic mail, on June 10, 2013.

  
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